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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,977	03/01/2002	Kouji Asada	16869N-044500US	3252

20350 7590 06/13/2005

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EXAMINER	
CHO, UN C	

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,977	ASADA ET AL.	
	Examiner	Art Unit	
	Un C Cho	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Richton (US 6,650,902).

Regarding claim 1, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit, Fig. 2, 201) having transmission function of data and a travel server (location based server, Fig. 2, 221) for memorizing personal data and various kinds of data therein (user profile and other information is stored in the location based server, Richton, Col. 3, lines 9 – 28), wherein said travel server produces travel data (location-based information) necessary for traveling of an each person, from the personal data (user profile), including destination information of travel therein, and the various

kinds of data (changes in the location information of the wireless mobile unit), which are memorized in said travel server (tracked by the location based server), and transmits the travel data from said travel server to said portable terminal, depending upon both of location information of said portable terminal and time information programmed in advance (provide location-based information based on location and time of the wireless mobile unit, Richton, Col. 2, line 59 through Col. 3, line 8 and Col. 5, lines 26 – 43).

Regarding claim 2, Richton discloses that the travel data (location-based information) is changed to newest data when changing is made on said various kinds of data (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area, Col. 4, lines 28 – 52).

Regarding claim 3, Richton discloses that destination of travel, means for moving, identification means of said portable terminal are registered in said travel server (location-based controller, Fig. 3, 302 located within the location based server has information identifying the wireless mobile unit), as the personal data, and said travel server (location based server) produces the travel data for each person and for each the destination from the personal data and the various kinds of data, so as to transmit them to said portable terminal (Col. 3, lines 9 – 28).

Regarding claim 4, Richton discloses destination of travel, means for moving, identification means of said portable terminal are registered in said travel

server (location-based controller, Fig. 3, 302 located within the location based server has information identifying the wireless mobile unit), as the personal data, and also information of facilities and sightseeing information corresponding to the destination of travel (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area) are registered in said travel server, as the various kinds of data (Col. 4, lines 28 – 52).

Regarding claim 5, Richton discloses area servers (Intelligent Personal Assistant, IPA) located in plural number of areas, wherein the various kinds of data, including the information of facilities and the sightseeing information (preference information such as airline preference, priorities of importance to a user, etc), which are accumulated in said local area servers (location based preferences server, Fig. 3, 305 located within the location based server), are taken out from said local area servers, so as to be used for producing of the travel data (Col. 3, lines 24 – 38).

Regarding claim 6, Richton discloses that the information transmission system further comprises area servers located in plural numbers of areas, and said travel server (location based server) accesses to the local area server nearest to a present location of said portable terminal when transmitting the data on said portable terminal (IPA may be programmed to know how to best deliver

information because of its programmed knowledge of the user, Col. 5, lines 56 – 43).

Regarding claim 7, Richton discloses that the information of facilities and sightseeing information corresponding to the destination of travel are registered in said travel server, respectively, as the various kinds of data (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area, Col. 4, lines 28 – 52), and said various kinds of data is supplied to a broadcasting station (base stations, Fig. 2, 203 – 1 through 203 – 04) for broadcasting a travel program (Col. 2, line 59 through Col. 3, line 8).

Regarding claim 8, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit) having transmission function of data and a travel server (location based server) for memorizing personal data and various kinds of data therein, wherein said travel server (location based server) produces travel data necessary for traveling, from the personal data (user profile), including a destination information of travel (location-based information) therein, and various kinds of data, being memorized in said travel server and said portable terminal memorizes a telephone number of said travel server (whenever the user calls for location-based services the location based preferences server matches a user's stored preferences of airline, for example, to stored location based preferences), wherein said portable terminal transmits the telephone

number of itself to said travel server (location-based controller located within the location based server has information identifying the wireless mobile unit, thus when the mobile communicates with the travel server the travel server can match wireless mobile unit identification information, Richton, Col. 3, lines 46 – 62), together with location identification information for use in discriminating of a location registration area when conducting location registration (location information sent from wireless mobile unit to the location determining server, Col. 6, lines 31 – 39), while said travel server conducts search upon the personal data memorized therein by referring to the telephone number (wireless mobile unit identifying information) received, so as to compare the destination data of travel contained in the personal data, being coincident with, and the location identification information received, thereby to transmit it to said travel server when they are coincident with each other (Richton, Col. 3, line 39 through Col. 4, line 14).

Regarding claim 9, Richton discloses an information transmission system comprising a portable terminal having transmission function of data and a travel server for memorizing personal data and various kinds of data therein (user profile and other information is stored in the location based server, Col. 3, lines 9 – 28), wherein said travel server transmits a telephone number of itself so as to require location information of said portable terminal (location determining server can obtain the location of the wireless mobile unit when is instructed to do so by the location-based controller, Richton, Col. 6, lines 31 – 38), while said portable

terminal transmits the location information thereof to said travel server when the telephone number transmitted from said portable terminal is in coincidence with the telephone number memorized in advance therein, and thereby said travel server transmits the travel data to said portable terminal, corresponding to the location information transmitted (Col. 3, lines 9 – 29 and 46 – 62).

Regarding claim 10, Richton discloses an information transmission system, comprising a portable terminal having transmission function of data and a travel server for memorizing personal data and various kinds of data therein (user profile and other information is stored in the location based server, Col. 3, lines 9 – 28), wherein said portable terminal (wireless mobile unit) comprises a location detector portion for receiving radio wave from a positioning system (GPS and assisted GPS used in conjunction with wireless mobile units and signals sent therefrom, Col. 6, lines 31 – 39), thereby transmitting the location information calculated out by said location detector portion thereof, together with a telephone number of said portable terminal itself (sending wireless mobile unit identification to the location based server), to said travel server (location based server), while said travel server conducts search upon the personal data memorized therein by referring to the telephone number received, so as to compare the destination data of travel contained in the personal data being coincident with, to the location identification information received, thereby to transmit the travel data to said portable terminal when they are coincident with each other (location-based controller in conjunction with location-based preference server determines the

identification of wireless mobile units for which location determining server monitors and identifies position/location information, Col. 6, lines 41 – 65).

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richton in view of Anderson (US 6,499,016).

Regarding claim 16, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit) having transmission function

of data, a in-house server (IPA) for transmitting data through a network, a travel server for memorizing personal data including destination information of travel and various kinds of data (user profile and other information is stored in the location based server, Col. 3, lines 9 – 28).

However, Richton does not specifically disclose that information of either one of picture and audio being recorded during travel is transmitted from said portable terminal to said travel server, together with either one or both of location information and time information recorded, and said travel server complies the information transmitted from said portable terminal, thereby to transmit it to said in-house server as an album after the travel. In an analogous art, Anderson discloses that either one of picture and audio being recorded during travel (digital camera capturing images and recording audio, Fig. 1, 12, Anderson, Col. 2, lines 53 – 61) is transmitted from said portable terminal to said travel server (transmitting from the digital camera to the web server, Anderson, Col. 2, lines 61 – 67), together with either one or both of location information and time information recorded (it is inherent to one of ordinary skill in the art that digital cameras record the time when the picture is taken, Col. 3, lines 30 – 43), thereby to transmit it to said in-house server as an album after the travel (transmit it to the server as an album, Anderson, Col. 3, lines 10 – 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Anderson to the system of Richton in order to provide a method for automatically storing and presenting digital images, in which

includes capturing digital images with a digital camera and storing the images in an image file, where the file includes at least one speech field, thus, an album may then be dynamically created by retrieving selected images and corresponding text annotations from the database in response to a request from the user, and displaying each image on the album.

Regarding claim 17, Richton in view of Anderson as applied to claim 16 above disclose that the information of either one of picture and audio recorded during the travel includes information obtained by taking through said portable terminal during the travel and a portion of travel information transmitted from said travel server (capturing image and recording audio using the digital camera and transmitting it to the server, Col. 2, lines 53 – 67).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 16.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richmond in view of Anderson as applied to claim 16 above, and further in view of Kim (US 6,681,120).

Regarding claim 18, Richton in view of Anderson as applied to claim 16 above discloses that either one of picture and audio is transmitted from said portable terminal to said travel server, together with either one or both location information and time information recorded (capturing image and recording audio using the digital camera and transmitting it to the server, Col. 2, lines 53 – 67).

However, Richton in view of Anderson as applied to claim 16 above does not specifically disclose the portable terminal comprising a holding mechanism for holding an IC card therein, and an input/output means for reading and/or writing from and/or into said IC card, wherein the information of either one of picture and audio, being recorded into said IC card during the travel. In an analogous art, Kim discloses the portable terminal (cellular telephone, Fig. 1, 100) comprising a holding mechanism for holding an IC card therein (socket, Fig. 1, 120A to hold the memory card, Fig. 1, 200), and an input/output means for reading and/or writing from and/or into said IC card, wherein the information of either one of picture and audio, being recorded into said IC card during the travel (information can be read and/or written from and/or into said memory card, Col. 3, lines 66 through Col. 4, line 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Kim to the modified system of Richton and Anderson in order to provide a mobile entertainment and communication device that wirelessly records data from the internet and selectively reproduces that data, such as music and/or images, and also provides a portable security device capable of automatically communicating with a remote telephone and transmitting emergency data including sounds, pictures, location and similar information when selectively activated by the owner or when automatically activated by conditions sensed by integral sensors, including conditions such as sudden movement, sounds, light, heat, smote or the like.

Response to Arguments

7. Applicant's arguments filed 2/22/2005 have been fully considered but they are not persuasive.

Applicant argued that the references provided by the examiner fail to teach the limitations presented in the claims. The examiner disagrees with the argument presented by the applicant and the reasoning is as followed.

Regarding claim 1, the applicant argued that Richton fails to disclose transmitting the travel data from said travel server to said portable terminal, depending upon both of location information of said portable terminal and time information programmed in advance. Richton discloses transmitting the travel data from said travel server to said portable terminal, depending upon both of location information of said portable terminal and time information programmed in advance (provide location-based information based on location and time of the wireless mobile unit, Richton, Col. 2, line 59 through Col. 3, line 8 and Col. 5, lines 26 – 43).

Regarding claim 8, the applicant argued that Richton fails to disclose a portable terminal that memorizes a telephone number of the travel server, and transmits the telephone number of itself to the travel server, together with location identification information for use in discriminating of a location registration area when conducting location registration. Richton discloses a portable terminal that memorizes a telephone number of the travel server, (the user calls the travel server for location-based services, the location based

preferences server matches a user's stored preferences of airline, for example, to stored location based preferences, Richton, Col. 6, line 66 through Col. 7, line 11), wherein said portable terminal transmits the telephone number of itself to said travel server (location-based controller located within the location based server has information identifying the wireless mobile unit, thus when the mobile communicates with the travel server the travel server can match wireless mobile unit identification information, Richton, Col. 3, lines 46 – 62), together with location identification information for use in discriminating of a location registration area when conducting location registration (location information sent from wireless mobile unit to the location determining server, Col. 6, lines 31 – 39).

Regarding claim 9, the applicant argued that Richton fails to disclose a travel server that transmits a telephone number of itself so as to acquire location information of said portable terminal. Richton discloses wherein said travel server transmits a telephone number of itself so as to require location information of said portable terminal (location determining server can obtain the location of the wireless mobile unit when is instructed to do so by the location-based controller, Richton, Col. 6, lines 31 – 38).

Regarding claim 10, the applicant argued that Richton does not disclose a portable terminal that transmits the location information calculated out by the location detector portion thereof, together with a telephone number of the portable terminal itself, to the travel server. Richton discloses wherein said

portable terminal (wireless mobile unit) comprises a location detector portion for receiving radio wave from a positioning system (GPS and assisted GPS used in conjunction with wireless mobile units and signals sent therefrom, Richton, Col. 6, lines 31 – 39), thereby transmitting the location information calculated out by said location detector portion thereof, together with a telephone number of said portable terminal itself (sending wireless mobile unit identification to the location based server), to said travel server (location based server), while said travel server conducts search upon the personal data memorized therein by referring to the telephone number received, so as to compare the destination data of travel contained in the personal data being coincident with, to the location identification information received, thereby to transmit the travel data to said portable terminal when they are coincident with each other (location-based controller in conjunction with location-based preference server determines the identification of wireless mobile units for which location determining server monitors and identifies position/location information, Col. 6, lines 41 – 65)

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 16, the applicant argued that the references by Richton and Anderson does not disclose information of either one of picture and audio, being recorded during travel, is transmitted from the portable terminal to the travel server, together with either one or both of location information and time information recorded. Richton in view of Anderson discloses either one of picture and audio being recorded during travel (digital camera capturing images and recording audio, Fig. 1, 12, Anderson, Col. 2, lines 53 – 61) is transmitted from said portable terminal to said travel server (transmitting from the digital camera to the web server, Anderson, Col. 2, lines 61 – 67), together with either one or both of location information and time information recorded (it is inherent to one of ordinary skill in the art that digital cameras record the time when the picture is taken, Col. 3, lines 30 – 43), thereby to transmit it to said in-house server as an album after the travel (transmit it to the server as an album, Anderson, Col. 3, lines 10 – 22).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 16.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SONNY TRINH
PRIMARY EXAMINER

Un C Cho
Examiner
Art Unit 2687

6/1/2005 UC